

Ronald L. Richman, SBN 139189
Susan J. Olson, SBN 152467
Bullivant Houser Bailey PC
601 California Street, Suite 1800
San Francisco, California 94108
Telephone: 415.352.2700
Facsimile: 415.352.2701
E-Mail: ron.richman@bullivant.com
E-Mail: susan.olson@bullivant.com

Attorneys for Plaintiffs Trust Funds

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE CEMENT
MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
MASONS VACATION-HOLIDAY TRUST
FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
MASONS PENSION TRUST FUND FOR
NORTHERN CALIFORNIA; and BOARD OF
TRUSTEES OF THE CEMENT MASONS
TRAINING TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiffs,

v.

K.M. JACKSON ENGINEERING, INC., a
California corporation and KURT THOMAS
MCFADDEN, an individual,

Defendants.

Case No.: C 08-03555 CRB

**PLAINTIFFS' NOTICE OF RELATED
CASE; ADMINISTRATIVE MOTION TO
RELATE CASES**

BOARD OF TRUSTEES OF THE
LABORERS HEALTH AND WELFARE
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS VACATION-HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA; and
BOARD OF TRUSTEES OF THE
LABORERS TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN
CALIFORNIA,

Case No.: C 08-03556 TEH

1 Plaintiffs,

2 v.

3 K.M. JACKSON ENGINEERING, INC., a
4 California corporation and KURT THOMAS
MCFADDEN, an individual,

5 Defendants.

6
7 Counsel for Plaintiffs in the two actions, identified above, hereby submits this
8 Administrative Motion to Relate Cases. Both cases are collection cases under 29 U.S.C.
9 §§ 1132(a)(3) and 1132(e)(1) (§§ 502(a)(3) and 502(e)(1) of the Employee Retirement Income
10 Security Act of 1974, as amended), known as ERISA.

11 The first matter, entitled Board of Trustees of the Cement Masons Health and Welfare
12 Trust Fund for Northern California, et al. v. K.M. Jackson Engineering, Inc., a California
13 corporation; and Kurt Thomas McFadden, an Individual, Case No. C 08 03555 CRB is a
14 collection action brought by the Cement Masons Trust Funds against defendants for failure of
15 the defendants to submit employee fringe benefit contributions on behalf of covered employees.
16 The second matter, Board of Trustees of the Laborers Health and Welfare Trust Fund for
17 Northern California, et al. v. K.M. Jackson Engineering, Inc., a California corporation; and Kurt
18 Thomas McFadden, an Individual, Case No. C 08 03556 CRB is also a collection action,
19 however, brought by the Laborers Trust Funds against defendants for failure of the defendants
20 to submit employee fringe benefit contributions on behalf of covered employees.

21 The issues in these two cases are identical as they concern the obligation of the same
22 defendants to pay into the two respective Trust Funds the employee fringe benefit contributions
23 due and owing on behalf of their covered employees.

24 These cases will benefit by consolidation before a single judge. Consolidation will
25 eliminate duplicate proceedings against the same defendants. The two Trust Funds are located
26 in the same building and share the same auditor and management of their respective collections
27 departments. The two Trust Funds are jointly administered. Consolidation of these two cases
28 will promote efficiency in the use of testimony and exhibits prepared by plaintiffs Trust Funds.

1 If the matters are not consolidated, this will result in a waste of judicial resources by
2 requiring a duplication of hearings and motions before two separate judges. Consolidation will
3 result in the uniform application of damages against the defendants.

4 Based on the foregoing, the respective Trust Funds respectfully request that these cases
5 be consolidated.

6 DATED: September 3, 2008

7 BULLIVANT HOUSER BAILEY PC

8
9 By 
10 Ronald L. Richman

11 Attorneys for Plaintiffs

12 10754666.1